

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 24, 1998**

DIVISION TWO

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B113565 People (Not for Publication)  
v.  
Nevarez

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

## DIVISION TWO (Continued)

B110043      Bean      (Not for Publication)

V.

# Economy Engineering Company

The judgment of the trial court is reversed insofar as it pertains to Economy and to Hertz. The judgment of the trial court is affirmed insofar as it pertains to Kenstar. The parties to bear their own costs on appeal.

Boren, P.J.

We concur:    Fukuto, J.  
                      Nott, J.

B112283 People (Not for Publication)

V.

# Joffrion

The Court:

The finding that appellant has a prior serious felony conviction within the meaning of Penal Code section 667, subdivision (a) (1), for assault with intent to commit rape is reversed. The judgment of conviction and the finding that appellant has a prior serious felony conviction within the meaning of Penal Code section 667, subdivision (a) (1), for kidnapping and two qualifying prior felony convictions under the three strikes law (Pen. Code, 667, subdivisions, (b)-(i), 1170.12) are affirmed. The judgment sentencing appellant to a 10-year determinate term and a consecutive term of 45 years to life is modified to provide that appellant is sentenced to a determinate term of 5 years under Penal Code section 667, subdivision (a) (1), and a consecutive indeterminate term of 45 years to life under the three strikes law (Pen. Code, 667, subs. (b)-(i), 1170.12) on count 1 and, as modified, is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to send a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Fukuto, J., Nott, J.

August 24, 1998-Continued

## DIVISION TWO (Continued)

B110580 People (Not for Publication)  
v.  
Meza

The Court:

The judgment is affirmed. The clerk of the superior court is ordered to prepare an amended abstract of judgment reflecting the trial court's award of 102 days of local conduct credits and a total of 309 days of credit for time spent in presentence custody, and to forward a copy of the amended abstract to the Department of Corrections.

Boren, P.J., Fukuto, J., Nott, J.

B116965 People (Not for Publication)  
v.  
Coss

The Court:

The judgment is modified to reflect an additional \$400 restitution fine pursuant to Penal Code section 1202.45, which fine shall be suspended unless appellant's parole is evoked. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B117917 People (Not for Publication)  
v.  
Rudy F.,

The judgment is affirmed.

Boren, P.J.

We concur:   Fukuto, J.  
                      Nott, J.

## DIVISION TWO (Continued)

B111811 People (Not for Publication)  
v.  
Willis

The judgment is vacated and the matter remanded to the superior court. That court is directed to conduct a hearing on appellant's motion to suppress pursuant to Penal Code section 1538.5. If that court grants the motion to suppress, appellant shall be permitted a new trial, assuming that prosecution pursues the case after suppression of the contraband. If the trial court denies the motion to suppress after a hearing the trial court is directed to reinstate the judgment. Any resulting appeal shall be limited to issues arising from the proceedings on remand.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

B120982      Cavana, et al.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Alomar, et al., r.p.i.)

The petition for writ of mandate is denied. Real parties to recover their costs.

Fukuto, Acting P.J.

We concur: Nott, J.  
Zebrowski, J.

August 24, 1998-Continued

## DIVISION TWO (Continued)

B121600            Craig W.,                                 (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Zebrowski, J.

We concur:   Boren, P.J.  
                      Fukuto, J.

### DIVISION THREE

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B111003      People                          (Not for Publication)  
v.  
*Archuleta*

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

### DIVISION THREE (Continued)

August 24, 1998-Continued

B107505      People                                  (Not for Publication)  
v.  
Perez, et al.,

The judgments are affirmed.

Klein, P.J.

We concur: Aldrich, J.  
Goodman, J. (Assigned)

B109706      Schilling      (Not for Publication)  
v.  
Schilling

The judgment and postjudgment order are affirmed. With respect to Rose's request for attorney fees on appeal, the issue of the amount of attorney fees Gerard is to pay Rose for responding to this appeal is remanded to the trial court for its determination. (Fam. Code, 2030 subd. (c); *In re Marriage of Schnabel* (1994) 30 Cal.App.4th 747, 756.) Rose to recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                          Kitching, J.

B105943 People (Not for Publication)  
v.  
Vandusen

The judgment is modified to reflect a conviction of former section 502.8, subdivision (a), rather than a conviction of section 502.7, subdivision (b) (1), and the case is remanded to the trial court for resentencing.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B106771 Ali (Not for Publication)  
v.

August 24, 1998-Continued

Maksemous

The judgment is affirmed. Each party to bear respective costs on appeal.

Klein, P.J.

We concur: Croskey, J.  
Aldrich, J.

B114315      Blasetti                              (Not for Publication)  
                 v.  
                 L.A. Unified School District

The judgment is affirmed. Each party to bear respective costs on appeal.

Klein, P.J.

We concur: Croskey, J.  
Kitching, J.

B114350      Henry                                      (Not for Publication)  
                 v.  
                 Franchise Tax Board

The judgment is affirmed. The Board to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.  
Aldrich, J.

August 24, 1998-Continued

### DIVISION THREE (Continued)

B112251      People                          (Not for Publication)  
v.  
Hill

The judgment is affirmed.

Klein, P.J.

We concur: Aldrich, J.  
Goodman, J. (Assigned)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Aldrich, J.  
Goodman, J. (Assigned)

B117339 People (Not for Publication)  
v.  
Moreno

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment which conforms to the oral pronouncement of judgment of 15 year and 4 months in state prison as indicated above and forward a copy of the corrected abstract to the Department of Corrections.

Klein, P.J.

We concur:   Croskey, J.  
                          Kitching, J.

## DIVISION FIVE



August 24, 1998-Continued

B117026      Coralynn Hollis Thompson  
v.  
Sharon Avis Allen et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed October 27, 1997) dismissed.

DIVISION SIX

B116007 People (Not for Publication)  
v.  
Anderson

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Stone, P.J.  
Yegan , J.

B116745 People (Not for Publication)  
v.  
Stine

The judgment is affirmed.

Stone, P.J.

We concur: Yegan , J.  
Coffee, J.

August 24, 1998-Continued

## DIVISION SIX (Continued)

B108828 People (Not for Publication)  
v.  
Wilbert

The judgment is affirmed.

Gilbert, J.

We concur:   Stone, P.J.  
                      Yegan , J.

B117891      Thomas                                  (Not for Publication)  
v.  
Wallace & Schwartz

The judgment is affirmed. Costs are awarded to respondents Jeffrey Evan and Seana B. Thomas.

Coffee, J.

We concur: Stone, P.J.  
Yegan , J.

## DIVISION SEVEN

B119166 People (Not for Publication)  
v.  
Law

The order (order after judgment revoking probation) under review is affirmed.

Neal, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

## DIVISION SEVEN (Continued)

August 24, 1998-Continued

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Johnson, J.

B116443 People v. Perez (Not for Publication)

The judgment is affirmed.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

B109737 Kovacs (Not for Publication)  
v.  
Dodson

The judgment is affirmed. Defendant and respondent Dodson shall recover her costs on appeal.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

## DIVISION SEVEN (Continued)

B119049 People (Not for Publication)  
v.

August 24, 1998-Continued

Dickerson

The judgment under review is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B117080 People (Not for Publication)  
v.  
Andrae C.,

The order committing appellant to the California Youth Authority is modified to provide that the maximum theoretical period of confinement is seven years. As modified the order is affirmed.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

B098433      Kazenelson      (Not for Publication)  
v.  
City of Hermosa Beach

The judgment is affirmed. Respondent to recover costs on appeal.

Woods, J.

I concur: Lillie, P.J.  
I dissent: Johnson, J.(Opinion)